



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AK
F.#2009R01146

271 Cadman Plaza East
Brooklyn, New York 11201

May 4, 2010

By Hand Delivery and ECF

Robert LaRusso, Esq.
LaRusso & Conway, LLP
300 Old Country Road, Suite 341
Mineola, NY 11501

Re: United States v. Timothy Glass
Criminal Docket No. 10-195 (NGG)

Dear Mr. LaRusso:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, please find enclosed with this letter discovery in the above-referenced matter. The government also requests reciprocal discovery.

1. Statements of the Defendant

Enclosed are copies of the following documents containing statements made by the defendant, Bates-numbered 1 through 15:

- April 22, 2009 New York City Police Department ("NYPD") Investigating Officer ("IO") Report;
- April 27, 2009 NYPD IO Report;
- December 3, 2009 Alcohol, Tobacco, Firearms and Explosives ("ATF") Report of Interview ("ROI");
- November 3, 2009 ATF ROI;
- September 17, 2009 NYPD Report;
- October 22, 2009 ATF ROI;
- March 27, 2010 Federal Bureau of Investigation 302; and
- March 31, 2010 ATF ROI.

2. Prior Criminal History

Enclosed is a copy of the defendant's criminal history, Bates-numbered 16 through 37.

3. Documents and Tangible Objects

The government is in possession of the following firearms and ammunition:

- Lorcin .25 caliber pistol;
- Rossi Interarms .38 Special revolver;
- Mossberg 500 AT pump action shotgun;
- Box of .25 auto ammunition with 19 rounds;
- 19 .38 Special rounds;
- Red cloth bag containing one handcuff key, one .25 caliber round and one .38 caliber round;
- Plastic bag containing one empty magazine, 14 .38 Special rounds and five .25 caliber rounds;
- Ziplock bag containing five rounds of 12 gauge shotgun shells;
- Magazine with seven rounds of .25 auto caliber rounds;
- .25 auto caliber round; and
- 4 .38 Special rounds.

The government is also in possession of the following items:

- Empty box of .38 caliber ammunition;
- Empty box of 12 gauge shotgun slugs;
- Black neoprene face mask;
- Leather lock pick kit;
- Metal badge - New York Police and Peace Officers Association;
- Metal badge in leather holder - District Attorney Kings County, with handcuff key attached;
- Metal handcuffs; and
- One black glove.

Enclosed is an FBI 302 regarding a search conducted at 55 Farnum Boulevard, Franklin Square, New York, Bates-numbered 38 through 39.

You may call me to arrange a mutually convenient time to inspect, copy, and/or photograph the evidence and documents discoverable under Rule 16.

4. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case, as they become available.

5. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert the government intends to call at trial and by providing you with the expert's credentials and a summary of the expert's opinion. At present, the government anticipates calling experts in firearms to testify, in substance, concerning the type, condition, and origin of the Smith & Wesson .32 caliber revolver and Bushmaster M16 assault rifle. The government also anticipates calling experts in fingerprint comparison to testify, in substance, with respect to the defendant's underlying felony convictions.

6. Brady Materials

The government is unaware of any exculpatory material regarding the defendant in this case. The government is aware of and will comply with its obligation to produce exculpatory material or information under Brady v. Maryland, 373 U.S. 83 (1963).

The government will furnish the defense before trial with information or material regarding payments, promises of immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may testify at trial for the government.

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the

defendant's possession, custody, or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

By: /s/
Ali Kazemi
Assistant U.S. Attorney

Enclosures

CC: Clerk of Court (NGG)(by ECF)(w/o enclosures)